

No. \_\_\_\_\_

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*In the Supreme Court of the United States*

DUANE SHORT,  
*Petitioner,*

v.

STATE OF OHIO,  
*Respondent.*

On Petition for Writ of Certiorari to  
the Supreme Court of Ohio

**APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner, Duane Short, respectfully requests leave to file the attached petition for writ of certiorari without payment of costs and to proceed *in forma pauperis*.

Petitioner, with respect to the basis of the attached petition, was granted leave to proceed *in forma pauperis* in the following courts: the Montgomery Common Pleas Court found Petitioner Short indigent and appointed counsel for his capital proceedings, *See State v. Short*, Case No. 2004 CR 02635, (Montgomery County C.P.); the Montgomery County Court of Appeals recognized Short's indigent status and ordered its clerk to revise the financial records to waive all costs and fees imposed against Short following his appeal; and the Court below, the Supreme Court of Ohio, found Short indigent and appointed counsel for his direct appeal and also for his

Application to Re-Open. *State v. Short*, 129 Ohio St.3d 360, 2011-Ohio-3641. See appointment orders, attached hereto as Exhibit A. More recently, the Second District Court of Appeals sustained Short's Motion and waived all costs affiliated with his appeal. See Decision and Entry waiving costs, attached hereto as Ex. B.

Every court since Petitioner Short was indicted in 2004 on charges that carried the potential for the death penalty has permitted him to proceed *in forma pauperis*. Petitioner Duane Short respectfully requests leave to file the attached petition for writ of certiorari without payment of costs and to proceed *in forma pauperis*.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

/s/ Erika M. LaHote

Erika M. LaHote [0092256]

Assistant Public Defender

*Counsel of Record*

Kimberly S. Rigby [0078245]

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FILED

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CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

State of Ohio

Case No. 2006-1366

v.

ENTRY

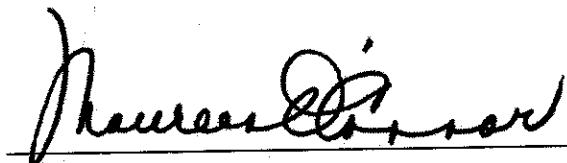
Duane Short

This cause came on for further consideration upon the filing of appellant's motion for stay of execution scheduled for January 9, 2013, and motion for appointment of counsel. Upon consideration thereof, it is ordered by the Court that the motions are granted.

It is further ordered that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals. Counsel for appellant and for appellee shall notify this Court when all proceedings for post-conviction relief before the courts of this state have been exhausted.

It is further ordered by the Court that the Ohio Public Defender's office is appointed to represent appellant in this case.

(Montgomery County Court of Common Pleas; No. 2004CR02635)



Maureen O'Connor  
Chief Justice

EXHIBIT

A

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DAN FOLEY  
CLERK OF COURTS  
MONTGOMERY COUNTY, OHIO

COURT OF COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

CASE NO. 2004 CR 02635

Plaintiff,

JUDGE MARY KATHERINE HUFFMAN

v.

DUANE SHORT,

ENTRY OF APPOINTMENT

Defendant.

The court having found that it is necessary to appoint appellate counsel for the Defendant herein, it is hereby ORDERED that Dennis J. Adkins and Gary W. Crim are hereby APPOINTED as appellate counsel for the Defendant herein.

IT IS SO ORDERED.

*Mary K. Huffman*  
JUDGE MARY KATHERINE HUFFMAN

Copies of the above were sent to all parties listed below by ordinary mail this date of filing.

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FILED  
JUL 19 2006  
MARCIA J MENGEL, CLERK  
SUPREME COURT OF OHIO

EXHIBIT  
A1

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Case: CA 028696



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MONTGOMERY CO. OHIO  
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IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
MONTGOMERY COUNTY

STATE OF OHIO

: Appellate Case No. 28696

*Plaintiff-Appellee*

: Trial Court Case No. 2004 CR 02635

v.

DUANE ALLEN SHORT

*Defendant-Appellant*

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**DECISION AND ENTRY**

December 3, 2020

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PER CURIAM:

This matter is before the court on appellant's October 26, 2020 motion to waive the court costs of this appeal. Appellee did not file a response to the motion.

Upon consideration, the motion is SUSTAINED. The court costs assessed to appellant in this appeal are WAIVED. The Clerk is ORDERED to revise its records to reflect that the costs of this appeal are waived. The Clerk shall promptly communicate this fact to appellant's institution and shall also forward a certified copy of this Decision and Entry to the institution's bookkeeping department. Appellant is not responsible for paying the costs of this appeal.

SO ORDERED.

  
MICHAEL L. TUCKER, Presiding Judge

  
JEFFREY E. FROELICH, Judge

  
MICHAEL T. HALL, Judge

Copies to:

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